



UNITED STATES OF AMERICA)

v.)

HERNAN OSCAR GUTIERREZ)

Case No. 3:22-CR-00077-E(1)

Report of Violation of Conditions of Pretrial Release

COMES NOW Stuart Siegel, Senior U.S. Probation Officer, presenting a report to the Court upon the conduct of defendant, Hernan Oscar Gutierrez, who was placed on pretrial release supervision by the Honorable U.S. Magistrate Judge Rebecca Rutherford sitting in the Court at Dallas, Texas, on March 25, 2022, under the following conditions:

(7p) The defendant must participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs: (X) (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court, including attorney visits.

The undersigned has information that the defendant has violated such conditions in each of the following respects:

On August 1, 2022, U.S. Probation Officer (USPO) Michael Miyasaki, who was serving as the location monitoring on-call duty officer received notification from Behavioral Interventions (BI) at 12:44 a.m. of a Tracker Strap Tamper and a Tracker Proximity Tamper of the defendant's location monitoring transmitter. USPO Miyasaki attempted telephone and text message contact with the defendant, but he did not receive a response. USPO Miyasaki then contacted the defendant's girlfriend, Victoria, via telephone, who advised the defendant cut the transmitter after she arrived home from work. According to USPO Miyasaki, Victoria informed she asked the defendant to stay and asked him where he was going. Victoria advised he did not tell her anything other than he was worried about his court date. USPO Miyasaki subsequently sent notification to Senior U.S. Probation Officer (Sr. USPO) Siegel via text message and email.

On August 1, 2022, Sr. USPO attempted telephone contact with the defendant at 1:40 a.m., but he did not answer. Sr. USPO Siegel left a voicemail and instructed the defendant to call me. Sr. USPO Siegel sent a text message to the defendant instructing him to call me, but he did not respond. Sr. USPO Siegel then contacted the defendant's girlfriend, Victoria, via telephone, who confirmed the defendant cut his transmitter and she was unsure where he went or who picked him up, but the defendant told her he did not want to go to prison.

On August 1, 2022, Sr. USPO Siegel conducted a home visit at the defendant's residence and met with Victoria. Sr. USPO collected the location monitoring equipment and verified the defendant was not at the residence. As of this writing, the defendant's whereabouts are unknown.

The undersigned suggests to the court that a warrant be issued for the arrest of the defendant, and that a hearing be scheduled for consideration of revocation of the defendant's conditions of pretrial release.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 1, 2022

Approved,

s/Stuart Siegel

s/Bruno Perez

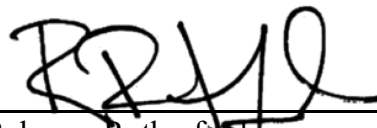
Senior U.S. Probation Officer
Dallas
214-753-2560
Fax: 214-753-2570

Supervising U.S. Probation Officer
214-753-2537

Order

Having considered the report of the Probation Office pertaining to possible violations by defendant, Hernan Oscar Gutierrez, of his/her conditions of pretrial release, the court ORDERS that:

- ☐ No action be taken.
- ☐ The Order Setting Conditions of Release is modified to include the following:
- ☐ A summons be issued and the defendant appear before a judge of this court to determine whether his/her conditions of pretrial release should be revoked.
- ☒ A violator's warrant be issued, and the above-named defendant be arrested forthwith and brought before a judge of this court to determine whether his/her conditions of pretrial release should be revoked.
- ☒ The office of the U.S. Attorney for the Northern District of Texas file a motion to revoke the conditions of the defendant's pretrial release, consistent with the information contained in the foregoing Report, and take such steps as are necessary to present such motion at the hearing thereon.
- ☐ File under seal until further order of the Court.



Rebecca Rutherford
U.S. Magistrate Judge
August 1, 2022

Date